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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the **PATENT APPLICATION** of:

Westhoff et al.

**Application No.:** 09/395,106

**Confirmation No.:** 5428

**Filed:** September 14, 1999

**For:** MANHOLE STEP INSERT FOR  
PREVENTING SEEPAGE DURING  
MANUFACTURE OF A CAST MEMBER AND  
TO PROVIDE A STEP INSERT HAVING  
INCREASED STRUCTURAL AND HOLDING  
STRENGTH

**Group:** 3637

**Examiner:** Phi Dieu Tran A

**RECEIVED**

**OCT 15 2004**

Our File:

**GROUP 3600**

Date:

October 6, 2004

**REPLY BRIEF TO EXAMINER'S ANSWER**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the rejection of claim 41 based on Brooks under 35 U.S.C. §102, there is **no** exterior surface having a portion which lies in a plane inclined to said longitudinal axis. A plane aligned with the exterior surface would be tangential to a curved surface to define a straight line and only a straight line (and **not** a portion of a surface) would lie in the plane.